App F IX 1

Previous References 1946 47 (ml)

File No 53-46

Serial Nos 76

Later References

GENERAL AND REVENUE SECRETARIAT

Serial Nos ~~One~~

1 to 5

Jabalpur

Part B for

SUBJECT

Disposal of certain sites and of trees of Khalsa of certain lands in Kuchma Raja Nagar town in favour of the Eddgah Rao

Memo No D3 C 1399/65 dt 20/3/66

from the D C Bypass Road requesting approval to the order passed by him upholding the resolution of the Krishnarajapuram Town Municipal Council in regard to the disposal of certain site to one Sri Udaya Rao, under section 194 of the T & C Act

1) As the DC's order upholds the resolution passed by the local Municipal Council on the subject, no approval of the govt is necessary for the same in view of the fact that in accordance to section 194 of the Act approval of govt is called for only in case the order passed by the D C overrules the resolution of the Municipal Council

2) If approved, the D C will be informed that as his orders do not in any way affect the resolution of the Municipal Council it was not necessary to have sought for the approval of govt to his orders passed in the matter subject

Mrs 17/4

9482 // 5 9439/L

3) Please enquire from the D.C. Nyanza as to the reasons for the Land Settlement Officer not having submitted the appeal petition together with the other papers required under Rule 7 of the Land Appeal Rules 1948 for

4) A draft letter is perhaps necessary here 27/1

5) The appellant in this case has approached us at Nairobi & letter has been received from him requesting that the appeal may be heard at Nairobi for 29/6/48

Copy of 24-6-46 from the Secretary R. Krishnamoorthy Iyer in the matter

6) The draft letter already perhaps also revised in view of this appeal subject with reference to supra & infra

Note 2/7/46 7) Put letter to the D.C. Nyanza asking for further information & report & petition - & perhaps for appeal

Revised for 4/7/48

To, 8) Issue Notice
The D.C. Nyanza
2715 - 13/7/46

76/7

9439 ∫ 6118

Letter no Dy C 1399/45-46 dt 13-1-47 from the Dy Comm'r, Mysore Dt forwarding a report in the matter

The report received from the Dy Comm'r Mysore Dt is submitted for perusal

The D C has expressed that the mistake was committed in the report of the Odt, Krishnarajanagar town misl on the Peon submitted to Court by Mr Siddaya Rao is flagged 'Z" and subd

18/2

11 For perusal re action by

called for as the D

has admitted the mistake Committed in his Misl

in his report & Enquiry

Revenue 14/2/47

Minister for Rev & Comm's

For perusal

14/2/47

For Hon Dy 18/2

Subd with a draft letter for appl

24/2

Secy 25/2/47

OFFICE OF THE MINISTER FOR REVENUE
No 6657
Date 17/2/1947

TYPING SECTION
27 FEB 1947
REVENUE SECTT

6118 Vol 55-46
2

To the Dy Commr, Mysore Dn
No L1910 dt 28 2-47
Returns the records

B 3/3

8482

25 MAY

affect the building under construction by the appellant as alle

4 In regard to grant of conservancy land, the President is prepared to consider the question if the appellant establishes his title to sites 27 and 28 first as they did not stand in his name at all in the municipal khate

5 Similarly also he would consider the question of transfer of khata s of the above said sites on production of proof of his title to them which he has failed to do till now

6 On perusal of the above report, the case was ordered to be posted for hearing before final orders were passed The case came on accordingly for hearing finally on 30-4-1946

Order

Heard the counsel for the appellant and perused the record I inspected the spot with ~~xxxxxxxxx~~ the Assistant President on 10-5-1946 This relates to the grant of site 28 A, to one Mr Narayana Rao, as per the recommendation of the Sites Committee, on condition that he would construct a drain, adjoining the site The site, though small, is capable of erection of a shop as it is contiguous to the shop sites In fact he has constructed a good drain and has also laid the foundations of his shop I do not think this will effect the petitioner in any manner whatsoever Therefore, the resolution of the Municipality in this matter is in order and shall stand

The petitioner will have to prove his title to sites Nos 27 and 28 which at present, do not appear to stand in his name If he establishes his right, the President, would consider not only the transfer of the khate of the above said numbers but also the question of granting him the strip of land behind the site with this modification, the appeal is dismissed

Sd/- [illegible]
ASSISTANT COMMISSIONER,
MYSORE DISTRICT

Order No DJC 1333/45-46 Mysore, dated 6th May 1946

Copy of the above is forwarded with documents to the Secretary to Government, Revenue Department, Bangalore for information and perusal and approval of Govt under section 134 of Town Municipal Act of 1933

Sd/- S Suryanarayana Rao
Deputy Commissioner,
Mysore District

G R S App F G 3

GFNERAL AND REVENUE SFCRETARIAT

(*Continuation sheet draft form*)

Rec 5'5'-46-77

go, L 715-/E/8137 Clb

The D-c Sylhet ast

Sir,

With reference to your memo No D3-c 1399/45 d 20/5/46 requesting approval to the order passed by you upholding the ~~resolution~~ decision of the Krishnarayanagar Town Board regarding to the disposal of certain site to one Dr Siddiqui Road, at the place, I am directed to request you to intimate the section of the T P Act under which you entertained the appeal in this case and finalised orders and Written

WD 03697—GPB—30 000—2 2 46

the orders passed by you regarding
approval under section 19(4) of the Act
the petition dt 24/6/46 received from the Sr Sadly
Rao – the appellant in this case is also sent herewith
in original for a report very early

I have etc

for Registrar

MI 55-46-76

OFFICE OF THE DEPUTY COMMISSIONER,
Mysore District,
Mysore dated the 13th January 1947

No D3 C 1399/45-6

SECRETARIAT 6118 - 1 FEB 1947 R&C BRANCH

From

C M H RAJAJODHA SINGH, Esq , B A ,
Deputy Commissioner, Mysore District,
Mysore

To

J B MALLARADHYA, Esq , I A ,
Secretary to Government, Revenue Department,
Bangalore

Order passed in appeal Misc Case No D3 C 1399 of 46 Mr Siddaji Hanuma Rao versus President, Town Municipal Council, Krishnarajanagar in the matter of disposal of certain sites and transfer of khata of certain lands &c , in Krishnarajanagar Town

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With reference to your correspondence ending with letter No L 715/E1 dated 13th July 1946 on the above subject, I have the honour to state as follows

In the absence of any definite term in Section 192 of the Town Municipal Council, to be used in respect of a representation made by the affected parties to the controlling authority, my office called it an appeal petition Section 194 read with section 192 contemplates an order against the regulation of a Municipal Council in which case a copy of the said order of the controlling authority has to be submitted to Government In the present case, I had not interfered with the resolution of the Municipal Council, but had merely observed that the resolution of the Municipal Council, might stand Hence there was no necessity to submit the order for the the approval of Government The mistak that has inadvertently occured in my office is to be very much regretted

Regarding the appeal preferred to Government by Siddoji Rao, I am submitting herewith the report of the Municipal President dated 8 1946

"B"

My opinion in the matter is contained in my order dated 12-5-1946 This has been recorded after personal inspection of the spot

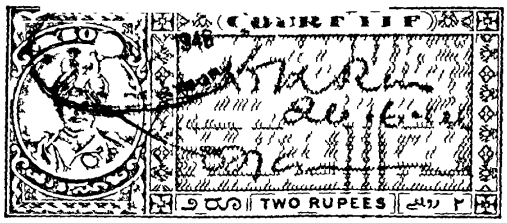
The entire records on the subject are retransmitted herewith for reference and kind return

I have the honour to be,
Sir,
Your most obedient servant

S Suryanarayana Rao

FOR DEPUTY COMMISSIONER,
Mysore District

TS/



9439
1946
BRANCH
Receipt
25 JUN 1946

Before the Government of Mysore, Bangalore

Mr (M) Municipal Appeal 45-46

of the Appellant- Sidaiah Rao Aged 70, Son of
Merchant, Krishnaraja Nagar Town,
Mysore District

Vs

Respondent- President, Town Municipal
Council Krishnarajanagar

Under Sec 110(1) & 194(2) of the Town Municipal
Regulation the appellant begs to prefer this
against the order passed by the Learned
Deputy Commissioner, Mysore District, on 12-5-46,
in Misc Mal appeal No D3-1399/46 on his
file subject to confirmation by the Government
& the appeal is preferred for the following among
other reasons

That the Learned Deputy-
Commissioner has erred in upholding
the decision of the Town Municipal Council
Krishnarajanagar to grant a narrow
strip of Site between Site No 28 of the Appellant
& the Main Road in Krishnarajanagar
New Town to one Mr R Narayana Rao, a
Municipal Councilor of the Place

2 That the Learned Deputy-
Commissioner who Visited the Spot & inspected

The place along with the Ag Officio municipal President has erred in not taking notice of the fact that the narrow strip of 8 feet of land between Site no 28 & the Road is so vale as not to provide sufficient space for an independent construction & hence has erred in recommending grant of the same to a third person other than the appellant who is the owner of the neighbouring site

3 That the Learned Deputy Commissioner has omitted to take notice the fact that originally that Suit Site was included in Site no 28 (as is evidenced by the accompanying licence & subsequently granted to one Sateswari Rao) as not being capable of a separate existence & that the same is now disposed of to a person in the municipal council who is in a position to influence 4 That the Learned Deputy Commissioner has omitted to take notice of the fact that this order is opposed to the laws regarding town planning & public in the ground that the Site is situate in the Bazar Road & capable of independent construction though small

5 Hence the appellant begs that the recommendation of the Deputy Commissioner to allot the said small plot to a separate person other than the appellant who is the immediate owner be not accepted & the same be directed to be given to the appellant — Prays for a stay order in the mean

D Kapardi Pandit
Advocate for the appellant
24/6/46

S Copy of the order is not yet furnished & hence could not be sent

ನಿರ್ಮಾಣಕ್ಕೆ ಲೈಸೆನ್ಸ್

ಕೃಷ್ಣರಾಜನಗರ ಮ್ಯುನಿಸಿಪಲ್ ಪ್ರೆಸಿಡೆಂಟರವರ ಆಪೀಸಿನಿಂದ.

ಕೃಷ್ಣರಾಜನಗರದಲ್ಲಿರುವ [illegible] ರಿಗೆ

ನೀವು ವರ್ಷ ಮಜ್ಕೂರು 6 ರೋಡು ೬೭-೬೮ ನೇ ನಂಬರು ಸೈಟಿನಲ್ಲಿ ಮನೆ ಕಟ್ಟಲು ಲೈಸೆನ್ಸ ಬೇಡಿ ಕೊಟ್ಟ ೧೪/೪/೬೮ ಮತ್ತು ಅರ್ಜಿ ಶೃತವಾಯ್ತು. ನೀವು ಈ ಕೆಳಗೆ ಕಂಡ ಷರತ್ತುಗಳಿಗೆ ವಿಳಪಟ್ಟು ನಿಮ್ಮ ಸೈಟಿನಲ್ಲಿ ಮನೆ ಕಟ್ಟಿಕೊಳ್ಳಲು ಅವಕಾಶ ಕೊಟ್ಟಿರುತ್ತೆ. ಷರತ್ತು ಮೀರಿ ಆಚರಿಸಿದಲ್ಲಿ ಮ್ಯುನಿಸಿಪಲ ರೂಲ್ಸು ಅನುಸರಿಸಿ ಶಿಕ್ಷೆಗೆ ಗುರಿಪಡಿಸಲಾಗುತ್ತೆ.

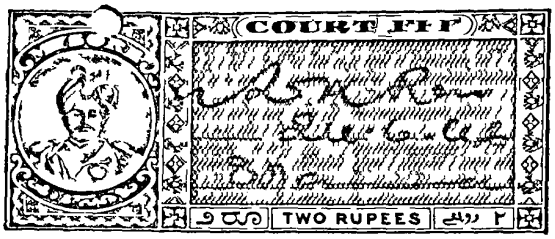
ಷರತ್ತುಗಳು

1. ಮಂಜೂರಾಗಿರುವ ಪ್ಲಾನು ತನುಸರಿಸಿ ಮನೆ ಕಟ್ಟಬೇಕು
2. ಮನೆಯ ಅಜೂಬಾಜು ಮನೆಗಳಿಗಾಗಲೀ ಅಪಾಯ ಬಾರದಂತೆ ಎಚ್ಚರಿಕೆಯಾಗಿ ಇಡಬೇಕು ಸೈಡ್ ವಾರ್ಜಿನ್ ಅಂದರೆ ಮನೆಯ ಉಭಯತಾ ಶಪ್ಪದಲ್ಲೂ ಕಡಿಯಂತೆ ಮಾರ್ಜಿನ್ ಬಿಡಬೇಕು
3. ವರ್ಷ ಮ್ಯುನಿಸಿಪಲ್ ನೌಕರರೂ ಮೆಂಬರುಗಳೂ ಬಂದಾಗ ಲೈಸೆನ್ಸ ತೋರಿಸಬೇಕು
4. Sanitary Rules ಅನುಸರಿಸಿ ಮನೆಯನ್ನಲ್ಲಿ ಒಳಕ್ಕೆ ಶುದ್ಧ ಗಾಳಿ ಸಂಚಾರಕ್ಕೆ ಅವಕಾಶವಿರುವಂತೆ ತಕ್ಕ ಕಿಟಕಿ ಬಾಗಿಲುಗಳನ್ನಿಡಬೇಕಲ್ಲದೆ ಬಚ್ಚಲು ನೀರು ಪಲೀನಾಗ ಹೊರಗೆ ಹೋಗಲು ಅವಕಾಶವಿರಬೇಕು
5. ಮ್ಯುನಿಸಿಪಾಲಿಟಿಯ ಆರೋಗ್ಯ ಘುತ್ತು ನೈರ್ಮಲ್ಯವು ಕಡದಂತೆ ನಿಗಾ ನೋಡಿಕೊಳ್ಳತಕ್ಕದ್ದು
6. ಮುಂಭಾಗದ ಹೈರೋಡಿಗೆ ಅಂದರೆ ಚರಂಡಿಗೆ [illegible] ಡಿ ಒಟ್ಟು ಕಟ್ಟೆ ಬೇಕು
7. ಈ ಲೈಸೆನ್ಸ್ ಕಿ [illegible] ಗಳವರಿಗೆ ಮಾತ್ರ ಜಾರಿಯಿಲ್ಲಿರತಕ್ಕದ್ದು
8. ಲೈಸೆನ್ಸ್ ವಾಯಿದೆ ಮುಗಿದನಂತರ ಲೈಸೆನ್ಸನ್ನು ಸಮ್ಮಲ್ಲಿ ಹ [illegible]
9. ಮನೆ ಕಟ್ಟಿಪ ಟ್ಯೆ ಮನೆಯ ಸೈಟಿನ ಜಾಗದಲ್ಲಿ ಗುಂಡಿಗಳನ್ನು ತೋಡಕೂಡದು
10. ಎಲ್ಲಾ ಸಂಬಂಧವಾದ ವ್ಯಾಜ್ಯಗಳಿಗೆ ಮುನಿಸಿಪಾಲಿಟಿಯವರು ಜವಾಬ್ದಾರರಲ್ಲ
11. ಕಕ್ಕಸ್ಸಿಗೆ ಹೊರಗಡೆ ಬಾಗಿಲು ಇಟ್ಟು ಮುಚ್ಚಿರಬೇಕು
12. ಇತರ್ಪು—

[illegible]

[illegible]

President
Municipal Council
Krishnarajanagar



IN THE COURT OF THE Government-Hyder Municipal Appeal AT Bangalore

No of 194 194

PLAINTIFF DEFENDANT

Vs

I the abovenamed do by these presents retain Mr Devalapur KAPANIPATHI RAO B A L L B Advocate Mysore, to appear for and conduct the above case on behalf to Judgment

2 I further empower him to do all the necessary acts in the above case and to execute any decree or order that may be passed in my behalf and to receive from the court documents refunds and all sums of money that I may be entitled to get and grant receipts therefor

3 I also undertake to confirm and ratify all the legal acts done b the said pleader or any other Legal Practitioner on his behalf in so doing

4 He need not do any further work if I do not pay the fees du to him

ನಿಜವಾದ ಕಾಗದ

Accepted

Pleader for

Dated — — — *194*

Signed before me and personally known to me

Date *194*

Appendix F G —1]

SUBJECT

Diary No of letter replied to

General and Revenue Secretariat

( )

the 194

Date of issue 28/2-47

Signed by N. G. Rao

List of enclosures

Copied by

Examined by

Section

File No

Serial No

No. Q 11910/R

To

The Dy Commr, Mysore Dt

Sir,

With reference to the correspondence ending with your letter no D3 C1329/45-46 dt 13-1-47, I am directed to return herewith after perusal, the records relating to the disposal of Kharab under a sale to one Mr Sudarshan Rao in the Krishnarajanagar town

I have etc

for

Rev Secy to Govt

WD 02 4 —GPB—2,000—21 6 46